

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 SCOTT RAYMOND DOZIER,

Case No. 3:18-cv-00570-RCJ-CBC

4 Plaintiff

5 v.

6 JAMES DZURENDA et al.,

7 Defendants

ORDER

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COUNSEL/PARTIES OF RECORD	
DEC - 4 2018	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY	DEPUTY

9 I. DISCUSSION

10 Plaintiff is a prisoner in the custody of the Nevada Department of Corrections  
11 ("NDOC"). Through counsel, Plaintiff has submitted a civil rights complaint pursuant to  
12 42 U.S.C. § 1983 and has filed an application to proceed *in forma pauperis* for a non-  
13 prisoner, a motion for temporary restraining order, and a motion for preliminary injunction.  
14 (ECF Nos. 1, 2, 6, 8).

15 Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must  
16 complete an application to proceed *in forma pauperis* for a prisoner and attach both an  
17 inmate account statement for the past six months and a properly executed financial  
18 certificate. Plaintiff has not submitted an application to proceed *in forma pauperis* for a  
19 prisoner or a properly executed financial certificate. (See ECF No. 1). As such, the *in*  
20 *forma pauperis* application for a non-prisoner is denied without prejudice. The Court will  
21 retain Plaintiff's civil rights complaint (ECF No. 2), but will not file it until the matter of the  
22 payment of the filing fee is resolved. Plaintiff will be granted an opportunity to cure the  
23 deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the  
24 full filing fee for this action. If Plaintiff chooses to file a new application to proceed *in*  
25 *forma pauperis* he must file a fully complete application to proceed *in forma pauperis* for  
26 a prisoner.

27 II. CONCLUSION

28 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed

1 *in forma pauperis* for a non-prisoner (ECF No. 1) is DENIED without prejudice to file a  
2 new application.

3 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the  
4 approved form application to proceed *in forma pauperis* for a prisoner, as well as the  
5 document entitled information and instructions for filing an *in forma pauperis* application.

6 IT IS FURTHER ORDERED that within thirty (30) days from the date of this order,  
7 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis* for  
8 a prisoner, on the correct form with complete financial attachments in compliance with 28  
9 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the  
10 \$350 filing fee and the \$50 administrative fee).

11 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
12 dismissal of this action may result.

13 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint  
14 (ECF No. 2), but shall not file it at this time.

15  
16 DATED THIS 4<sup>th</sup> day of December 2018.

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19 UNITED STATES MAGISTRATE JUDGE  
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